

4/4/16

3:47 P.m.

Chapter No. 331

16/SS02/R440

LR / TB/LR

## ***SENATE BILL NO. 2704***

Originated in Senate

Liz Weich

Secretary

SENATE BILL NO. 2704

AN ACT TO AMEND SECTION 97-19-55, MISSISSIPPI CODE OF 1972, TO MAKE A TECHNICAL CORRECTION TO THE BAD CHECK LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 97-19-55, Mississippi Code of 1972, is amended as follows:

97-19-55. (1) It shall be unlawful for any person with fraudulent intent:

(a) To make, draw, issue, utter, deliver, or authorize any check, draft, electronically converted check, or electronic commercial debit to obtain money, delivery of other valuable property, services, the use of property or credit extended by any licensed gaming establishment drawn on any real or fictitious bank, corporation, firm or person, knowing at the time of making, drawing, issuing, uttering \* \* \*, delivering or authorizing said check, draft, order, electronically converted check, or electronic commercial debit that the maker, drawer or payor has not sufficient funds in or on deposit with such bank, corporation,

firm or person for the payment of such check, draft, order, electronically converted check, or electronic commercial debit in full, and all other checks, drafts or orders, or electronic fund transfers upon such funds then outstanding;

(b) To close an account without leaving sufficient funds to cover all outstanding checks, electronically converted check, or electronic commercial debit written or authorized on such account.

(2) For purposes of Sections 97-19-55 through 97-19-69:

(a) "Check" includes a casino marker issued to any licensed gaming establishment.

(b) "Credit" means an arrangement or understanding with a bank, corporation, firm or person for the payment of a check or other instrument.

(c) "Electronically converted check" means a single-entry electronic debit transaction initiated with a check and cleared through the ACH Network as an Accounts Receivable Entry, a Point of Purchase Entry, or a Back Office Conversion Entry.

(d) "Electronic commercial debit" means an electronic debit transaction initiated through the ACH Network by a person for commercial, and not consumer, purposes whereby (i) the payor has signed an agreement to pay the payee for goods or services provided, (ii) as part of that agreement and as a condition thereof the payor provides the payee its bank and account

information for the purposes of initiating such a debit in payment for the service or goods provided, (iii) the payee delivers such goods or services to the payor in reliance upon the agreement and the payor's debit authorization, and (iv) the payee initiates such a debit for such purposes. This definition does not include a consumer transaction governed by the Federal Electronic Fund Transfer Act (15 USC Section 1693 \* \* \* et seq.) and its implementing Regulation E (12 CFR Part 205) or a credit transaction governed by Section 75-4A-101 et seq., Mississippi Code of 1972.

(e) "Payor" means the party making payment through the referenced transaction.

(f) "Payee" means the party receiving payment through the referenced transaction.

(g) "Payor bank" is the bank on whom the payor's funds are drawn for the purposes of making payment through the referenced transaction.

(h) "Payee bank" is the bank through which payee is collecting funds for deposit into the payee's account by using the referenced transaction.

SECTION 2. This act shall take effect and be in force from and after its passage.

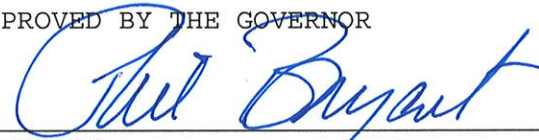
PASSED BY THE SENATE  
March 1, 2016

  
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PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 23, 2016

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
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GOVERNOR

*April 4, 2016  
3:47 pm*